

Message Text

CONFIDENTIAL

PAGE 01 ATHENS 05578 302124Z
ACTION EUR-12

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C O N F I D E N T I A L ATHENS 5578

E.O. 11652: GDS
TAGS: MARR, ELAB, GR
AUBJECT: PAE WORK PERMITS

REF: A. STATE 158938, B. STATE 119099 C. ATHENS 4067

1. POL/MIL OFFICER DISCUSSED PACIFIC ARCHITECTS AND ENGINEERS (PAE) WORK PERMIT QUESTION WITH MFA ACTION OFFICER ON JUNE 26 AND REITERATED USG POSITION PER PARA 2, REFTEL B THAT PAR'S AMERICAN EMPLOYEES ARE EXEMPT FROM WORK PERMIT REQUIREMENTS UNDER PROVISIONS OF THE MILITARY FACILITIES AGREEMENT. THE MFA OFFICIAL RESPONDED WITH STANDARD GOG POSITION THAT AS ALIEN EMPLOYEES OF A PRIVATE FOREIGN FIRM PAE'S AMERICAN EMPLOYEES MUST SECURE PERMITS, ADDING THAT FROM THE 1950'S UNTIL 1977 THE USG HAD NOT QUESTIONED THEIR REQUIREMENTS. THE OFFICIAL NOTED THAT A PRECEDENCE OF THAT DURATION WOULD BE DIFFICULT TO IGNORE AT A TIME WHEN THE EMPLOYMENT OF US CIVILIANS RATHER THAN GREEKS IN MAY POSITIONS AT US MILITARY FACILITIES IS A PUBLIC ISSUE HERE.

2. AS REPORTED IN REFTEL (C) AND ABOVE, WITHIN THE PAST SEVERAL WEEKS WE HAVE DISCUSSED THE PAE WORK PERMIT ISSUE WITH VARIOUS RESPONSIBLE MFA OFFICERS WHO HAVE SHOWED NO INCLINATION TO MODIFY THE GOG'S BASIC POSITION, I.E., CURRENT BILATERAL
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 ATHENS 05578 302124Z

AGREEMENTS, INCLUDING THE MILITARY FACILITIES AGREEMENT AND THE SOFA, DO NOT EXEMPT PAE'S US NATIONAL EMPLOYEES FROM WORK PERMIT REQUIREMENTS. THE MFA'S LEGAL ADVISOR HAS BEEN ESPECIALLY FRANK WITH EMBASSY OFFICERS IN STATING HE CAN ENVISAGE NO RATIONALE FOR A CHANGE BASED ON EXISTING BILATERAL AGREEMENTS AND THAT THE MFA WOULD BE RELUCTANT TO EXTEND ADDITIONAL EXTRATERRITORIAL PRIVILEGES TO A POLITICALLY VISIBLE SEGMENT

OF THE US PRESENCE. LOOKING BEYOND THE MFA, WE CAN ANTICIPATE ADDITIONAL RESISTANCE FROM THE MINISTRY OF LABOR WHICH, AS THE ADMINISTRATING AGENCY FOR WORK PERMIT REGULATIONS, WOULD HAVE TO CONCUR.

3. GIVEN THE ABOVE, WE DO NOT BELIEVE THAT THE MFA OR THE MINISTRY OF LABOR WOULD BE SWAYED BY AN OFFER TO PLACE A SPECIFIC CEILING ON THE NUMBER OF ALIEN WORKERS EMPLOYED BY PAE AS SUGGESTED IN PARA 5 REFTEL (B). IN THIS REGARD, IT APPEARS TO US THAT BINDING THE US FORCES TO A SPECIFIC NUMBER OF US NATIONAL POSITIONS FOR ONE CONTRACTOR AS OPPOSED TO THE SEVERAL OTHER CONTRACTORS EMPLOYED BY THE US FORCES INSTALLATIONS IN GREECE, ESPECIALLY AT THE LEVEL SUGGESTED REFTEL (B), WOULD CREATE PROBLEMS IN IMPLEMENTING THE MANNING PROVISIONS OF THE DCA/SOFA AS THEY APPLY TO CONTRACTOR PERSONNEL.

4. IN SUM, THERE IS LITTLE PROSPECT FOR A CHANGE IN THE GOG POSITION ON THE PAE ALIEN EMPLOYEES' STATUS, REGARDLESS OF THE NUMBERS, UNDER CURRENT BILATERAL AGREEMENTS. IT IS POSSIBLE, BUT NOT LIKELY, THAT A REQUEST FOR A FORMAL REPLY TO OUR NOTE VERBALE OF MAY 17, 1977 AND SUBSEQUENT ORAL PRESENTATIONS MIGHT INDUCE A MORE FAVORABLE RESPONSE FROM THE MFA. BUT THIS RISKS A FORMAL REJECTION WHICH WOULD MAKE A POSITIVE SHIFT IN THE MFA'S POSITION DIFFICULT SHOULD WE COME UP WITH MORE CONVINCING ARGUMENTS LATER. A FURTHER RISK IS THAT SUCH A REQUEST MIGHT ALSO FOCUS GOG ATTENTION ON OTHER CONTRACTORS TO THE US FORCES WHOSE CONFIDENTIAL

CONFIDENTIAL

PAGE 03 ATHENS 05578 302124Z

PERSONNEL, FOR REASONS NOT CLEAR TO US (POSSIBLY BECAUSE OF THEIR SMALL NUMBERS AND THEIR LOW VISIBILITY IN COMPARISON TO DATE), HAVE SO FAR NOT BEEN REQUIRED TO SECURE WORK PERMITS. SHOULD THE GOG AGENCIES INVOLVED EVER EXAMINE THIS ANOMALY, IT MUST BE ANTICIPATED THAT THESE EMPLOYEES, TOO, WOULD BE REQUIRED TO SECURE WORK PERMITS. NEVERTHELESS, A FORMAL RESPONSE, EITHER POSITIVE OR NEGATIVE, WOULD HAVE THE MERIT OF REMOVING ANY DOUBT CONCERNING THE PAE EMPLOYEES' STATUS, WHICH WE UNDERSTAND IS RELEVANT TO TERMS OF ANY FUTURE PAE CONTRACT WITH THE USAF. ON BALANCE, THE EMBASSY RECOMMENDS WE DO NOT NOW PRESS FOR A FORMAL RESPONSE. PLEASE ADVISE.

5. RE PARA 4 OF REFTEL (B) CONCERNING CONVERTING BASE MAINTENANCE FUNCTIONS AT HELLENIKON AND IRAKLION FROM A CONTRACTOR TO AN IN-HOUSE OPERATION, REFTEL (A) CLARIFIES SOMEWHAT THE NUMERICAL CHANGES IN THE CATEGORIES OF AMERICAN PERSONNEL INVOLVED. IT APPEARS TO US THAT THERE WILL BE NO SIGNIFICANT INCREASE IN THE NUMBER OF US NATIONALS INVOLVED (I.E., THOSE ASSOCIATED WITH PAE VERSUS THE US CIVIL SERVANTS THAT WOULD COME ON BOARD IN THE EVENT OF A CONVERSION TO IN-HOUSE OPERATION), ESPECIALLY IF THERE WOULD BE NO INCREASE IN US MILITARY PERSONNEL. IN THAT THE US CIVILIANS WOULD BE EMPLOYED BY THE DEPARTMENT OF

DEFENSE RATHER THAN A PRIVATE CONTRACTOR, THEIR CHANGE IN STATUS WOULD HAVE LITTLE OR NO IMPACT ON PUBLIC PERCEPTIONS. IT WOULD HAVE THE BENEFICIAL EFFECT OF SETTling THE WORK PERMIT ISSUE BY MOVING ANY PAE US NATIONAL EMPLOYEES WHO QUALIFY FOR USG EMPLOYMENT INTO THE CIVILIAN COMPONENT. IF OUR INTERPRETATION OF REFTel (A) IS CORRECT, THAT THERE WILL BE NO OVERALL INCREASE IN THE NUMBER OF AMERICANS REQUIRED FOR AN IN-HOUSE OPERATION, AND IF IT WOULD NOT RESULT IN ANY REDUCTION IN THE GREEK WORK FORCE, THE EMBASSY SEES NO POLITICAL PROBLEM IN CONVERSION TO AN IN-HOUSE OPERATION.
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